

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

MARTIN KALASHO,)	Case No.:
)	
Plaintiff,)	
v.)	Hon.
)	
NAVIENT SOLUTIONS, INC.,)	
)	
Defendant.)	
)	
)	
)	

COMPLAINT

NOW COMES Plaintiff, MARTIN KALASHO (“Plaintiff”), through his attorneys, KROHN & MOSS, LTD., and hereby alleges the following against Defendant, NAVIENT SOLUTIONS, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is brought under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

JURISDICTION and VENUE

2. This Court has subject matter jurisdiction of this action pursuant to 47 U.S.C. § 227(b)(3) and 28 U.S.C. § 1331.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts giving rise to Plaintiff’s cause of action occurred in this district as Plaintiff resides in this district and as Defendant transacts business in this district.

PARTIES

4. Plaintiff is a natural person at times relevant residing in West Bloomfield, Michigan.

5. Defendant is a business entity with headquarters in Wilmington, Delaware.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

7. Defendant places telephone calls to phone number [REDACTED], Plaintiff's cellular telephone number.

8. Upon information and good faith belief, and in light of the frequency, number, nature, and character of these calls, Defendant placed them by using an automatic telephone dialing system.

9. On or about March 20, 2014 at 4:38 p.m., Plaintiff called Defendant and instructed Defendant to stop calling his cell phone.

10. Defendant's employee responded to Plaintiff affirming him that Defendant would stop.

11. Plaintiff revoked any consent, actual or implied, for Defendant to use an automatic telephone dialing system to call his cell phone.

12. Defendant continued to use an automatic telephone dialing system to call Plaintiff's cell phone.

13. Since March 20, 2014 Defendant called Plaintiff's cell phone at least four hundred fifty-two (452) times.

14. Plaintiff is annoyed and feels harassed by Defendant's calls to his cell phones.

15. These calls were placed for non-emergency purposes.

16. Defendant placed these calls voluntarily.

17. Defendant placed these calls under its own free will.

18. Defendant had knowledge that it was using an automatic telephone dialing system to place these calls.

19. Defendant intended to use an automatic telephone dialing system to place these calls.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

20. Defendant's actions alleged supra constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

21. Defendant's actions alleged supra constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff respectfully requests judgment be entered against Defendant for the following

22. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

23. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

24. All court costs, witness fees and other fees incurred;

25. Any other relief that this Court deems appropriate.

Respectfully submitted,

Dated: April 13, 2016

/s/ Adam T. Hill
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